REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 1, 3-6, 8-11, 13-14, 16-17 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sutton in view of Jou. Sutton is directed to a method and apparatus for performing search acquisition in a CDMA communications system. Sutton teaches a method of acquisition for which a large window of PN chip offset hypothesis are searched and if an energy signal is found that might indicate the presence of the pilot signal having one of the chip offsets of the large search window, then a search of a subset of offset hypotheses, or small window is searched. As such, Sutton looks for energy over large window space to exceed a threshold, then divides the large window into small windows, measures energy in each small window and uses the results to determine phase of the pilot signal. Claim 1 has been amended to include limitations of claim 3, claim 14 has been amended to include limitations of claim 16 and claim 20 has been canceled without prejudice. Accordingly, Applicants will address the rejections with respect to claims 3, 14 and 17 as these are independent claims. It is alleged that Sutton teaches generating a pilot strength measurement message that includes at least short term filtered measurement data that is based on a number of pilot signals in an active set or a number of pilot signals in a candidate set. However, it is respectfully submitted that neither Sutton nor Jou disclose or teach making decisions based on a number of members of the sets. Applicants are unable to find any reference to such an operation and these references do not discuss the problem Applicants are solving nor do they discuss making decisions based on the set sizes as claimed. For example, the office action cites column 2, lines 33-36 of Sutton. However, this cited portion states in its entirety:

> "comparing the set of calculated energy values against a first threshold value; determining a second set of calculated energy values for a predetermined small window set of PN sequence hypotheses wherein the

small window PN sequence hypotheses are a subset of the large window set of PN sequence hypotheses..."

This section does not teach or suggest making the decisions as claimed nor changing filtering based on a number of members of the different sets of a pilot signal active set or a pilot signal candidate set, but to the contrary, is directed to a method for determining and verifying a phase of a pilot channel in a spread spectrum communication system. An energy value is compared with a threshold value. Applicants are unable to find any teaching or suggestion of, among other things, a pilot strength measurement message that includes short term filtered measurement data based on at least one of a number of pilot signals in the active set or a number of pilot signals in a candidate set. Since the reference does not teach what is alleged and since the references appear to be silent as to the claimed subject matter, Applicants respectfully submit that the claims are in condition for allowance.

As to claim 6, the claim requires, among other things, that the pilot strength measurement message also includes not only long term filtered measurement data but short term filtered measurement data if a strongest pilot signal represented by a corresponding long term filtered measurement data is less than the threshold. Applicants are unable to find any teaching wherein the decision is based on a member of the set exceeding a threshold. Accordingly, Applicants respectfully submit that the claim is in condition for allowance.

As to claim 11, Applicants respectfully reassert the relevant remarks made above since the wireless device of claim 11 makes a decision based on the number of members in the set as claimed. The cited references do not appear to teach or suggest such an operation. If the rejection is maintained, Applicants respectfully request a showing by column and line number of where the cited references teach the claimed subject matter.

As to claim 4, the prior art discusses using large and small window sizes (see for example, Sutton) based on a pilot reaching a threshold. In contrast, the claim requires changing the filtering for the entire set if a member of the set is above a threshold. Such operation is not taught or suggested by the cited references. Accordingly, the claim is believed to be in condition for allowance.

The other dependent claims add additional novel and non-obvious subject matter.

As to new claim 22, this is original claim 2 and is allowable at least as depending upon an allowable base claim.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Dated: 11/31/06

By: _____
Christopher J. Reckamp
Reg. No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7599
FAX: (312) 609-5005